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## SETTING OF THE MECKLENBURG DECLARATION OF INDEPENDENCE

BY A. J. MORRISON

The General Assembly of North Carolina, in session during the month of March, 1774, was dissolved by Governor Martin March 30th, the Assembly in the Governor's mind 'having assumed to themselves a power unconstitutional and repugnant to the laws.' The main point at issue, ostensibly, was the constitution and jurisdiction of the law courts of the province. Speaker Harvey and Samuel Johnston, on their way up from Newberne to their homes across Albemarle Sound, lodged at Colonel Edward Buncombe's in Tyrrell County the night of April 4th; and 'as they sat up very late the conversation turned on continental and provincial affairs.' The next day Mr. Johnston wrote to his friend and fellow lawyer, William Hooper at Wilmington, giving some account of the talk at Colonel Buncombe's.

"Mr. Bigglestone (Governor Martin's Secretary) told Colonel Harvey that the Governor did not intend to convene another assembly until he saw some chance of a better one than the last. Colonel Harvey told the Secretary that then the people would convene one themselves. He was in a very violent mood, and declared he was for assembling a convention independent of the Governor and urged upon us to cooperate with him. He says he will lead the way and will issue hand bills under his own name, and that the Committee of Correspondence<sup>1</sup> ought to go to work at once. As for my own part, I do not know what better can be done. Without courts to sustain the property and to exercise the talents of the country, and the people alarmed and dissatisfied, we must do something to save our-

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<sup>1</sup>Dec. 8, 1773: 'The Speaker communicated to the House the Resolves of the Virginia House of Burgesses of March 12, 1773, for a system of correspondence; approved. A standing committee of Enquiry and Correspondence appointed,' viz. the Speaker (John Harvey), Robert Howe, Cornelius Harnett, William Hooper, Richard Caswell, Edward Vail, John Ashe, Joseph Hewes, Samuel Johnston.

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selves. Colonel Harvey said he had mentioned the matter only to Willie (pron. Wyly) Jones of Halifax, whom he had met the day before, and that he thought well of it and promised to exert himself in its favor. I beg your friendly counsel and advice on the subject and hope you will speak of it to Mr. Harnett and Colonel Ashe or any other such men."

The thoughts of William Hooper, as both a Bostonian and a Carolinian, were already at work on these questions of Imperial and American policy. April 26 Mr. Hooper said in a letter to James Iredell of Chowan, 'With you I anticipate the important share the Colonies must soon have in regulating the political balance. They are striding fast to independence, and ere long will build an empire upon the ruins of Great Britain.' Then a word as to the decline and fall of Rome—'reserve the catastrophe,' added Mr. Hooper, 'and might not Great Britain be the original from which this picture is taken? America is perhaps reserved to be their asylum; may they find it the asylum of liberty too. Be it our endeavour to guard against every measure that may have a tendency to prevent so desirable an object.' Mr. Hooper's inmost opinion at the time seems to have been that it was the destiny of America to set Great Britain a definite lesson in the nature of political freedom, no matter if serious fracas and for a while separation was to be the result.

So July 21, with the revolving year, Mr. Hooper called to order a meeting at Wilmington for the purpose of issuing a letter to the counties with respect to Parliamentary acts lately made in oppression of 'our sister colony of the Massachusetts Bay for having exerted itself in defence of the constitutional rights of America'; the counties to be asked to send deputies to a Provincial Congress for debate upon 'the present alarming state of British America, and in concert with the other colonies to adopt and prosecute such measures as will most effectually tend to avert the miseries which threaten us;' such Provincial Congress also to consider the convening of a general congress, 'for alteration of British policy and a change honorable and beneficial to all America.'



Word, then, came to the counties of the proposed measures, and Governor Martin learned of what was a-foot. The Governor in council at Newberne was advised that no steps could properly be taken in the circumstances other than to issue forthwith a proclamation to discourage and prevent meetings and assemblings of the people. But in response to the circular letter sent them from Wilmington the people of the counties began to assemble, earlier in August far from the coast, later in the month as you neared the coast. The Congress was to meet at Newberne on the 25th, and counties adjacent could select their deputies a mere few days beforehand.

Freeholders of the far western county of Rowan, meeting on the 8th of August, declared that they were ready to maintain at the expense of their lives and fortunes His Majesty's right and title to the crown of Great Britain and dominion in America: 'that the right to impose taxes and duties to be paid by the inhabitants within this province for any purpose whatsoever is peculiar and essential to the General Assembly in whom the legislative authority of the Colony is vested: that any attempt to impose such taxes or duties by any other authority is an arbitrary exertion of power, and an infringement of the constitutional rights and liberties of the colonies: that the cause of the town of Boston is the common cause of the American colonies: that it is the essential duty of all the American colonies firmly to unite in an indissoluble union and association to oppose by every just and proper means the infringement of their common rights and privileges.'

Anson County of the West, at its meeting on the 18th, was not careful to register phrases of loyalty but resolved at the outset, 'that it is the opinion of this meeting that the late arbitrary and cruel acts of the British Parliament and other unconstitutional and oppressive measures of the British ministry, against the Town and Port of Boston and Province of Massachusetts Bay are no other than the most alarming prelude to that yoke of slavery already manufactured by the said ministry and by them intended to be laid on all the in-

habitants of British America and their posterity forever.' No Mecklenburg Resolutions of August, 1774, have been preserved. It is not impossible that many people in Mecklenburg were still uncertain whether South or North Carolina was their territory. Rowan and Anson, to the north and east of Mecklenburg, are more conspicuously on record in these grave mixed affairs of the summer of '74. Farther east—Johnston on the 12th, Granville on the 15th, Chowan on the 22nd, Halifax Town on the 22nd—freeholders in assembly knew how to temper independence with loyalty; but Pitt County on the 15th stated bluntly, with no sort of qualification, that the people was the 'foundation from whence all power and legislation flow.'

Call for the Congress had come from the East, and in response the East was no less outspoken than the West. But of all these August Resolutions, those of Granville County on the 15th (Granville of the mid-country) have the noblest sound, beginning. "Resolved, that those absolute rights we are entitled to as men, by the immutable laws of nature, are antecedent to all social and relative duties whatsoever: that by the civil compact subsisting between our King and his people, allegiance is the right of the first magistrate and protection the right of the people: that a violation of this compact would rescind the civil institution binding both King and people together;" and ending, "Resolved, therefore, that all such acts of the British Parliament as either express or imply the Parliament's right to tax America, that abrogate our legislative or judicial powers, that tend to deprive us of our property without a trial by jury or that point out to the executive magistrate a form of proceeding excluding the civil institutions of our country, have a tendency to subvert our liberties and reduce us to a state of slavery."

August 25th being the day set for the Congress at Newberne, the Governor in Council at Newberne desiring the advice of Council whether he could take any further measures to stop the Provincial Congress come to town, Council was

of the unanimous opinion that no other steps could be properly taken at this juncture. The march of events was putting to test as never before that system of government, a governor and council appointed from overseas to thwart or to execute the will of the people as declared by their representatives. There had been little of tyranny in the old system, for the Council also was representative and had been obstinate enough on occasion. Here, however, with August, '74, was a startling assumption of the grounds of British freedom,—a Congress of the peoples' deputies, and Governor and Council sitting by to no effect. It is very likely the Governor himself saw plainly now that the British Constitution could hardly be made to work two ways. His neighbors of the Congress were explicit in their belief that they themselves had the traditional, right understanding of the Constitution. They professed themselves his Majesty's most dutiful and loyal subjects, with the most sacred respect for the British Constitution, "but at the same time conceiving it a duty which we owe to ourselves and to posterity in the present alarming state of British America, when our most essential rights are invaded by powers unwarrantably assumed by the Parliament of Great Britain, to declare our sentiments in the most public manner, lest silence should be construed as acquiescence . . . : that we claim no more than the rights of Englishmen without diminution or abridgement; that it is our indispensable duty and will be our constant endeavor to maintain those rights to the utmost of our power, consistently with the loyalty which we owe our sovereign, and sacred regard for the British Constitution: . . . that Liberty is the spirit of the British Constitution, and that it is the duty and will be the endeavour of us as British Americans to transmit this Constitution to our posterity in a state if possible better than we found it."

The Congress convening on Thursday, Speaker Harvey was chosen Moderator. He might have been addressed as "Mr. Operator." On Friday the state of the country was con-

sidered, correspondence of the Committee of Correspondence, laid before the deputies by Mr. Hewes of Edenton, merchant in close touch with Philadelphia. On Saturday the Congress drew up, through Mr. Hooper, their resolutions of respect and fortitude; chose Hooper, Hewes, and Caswell their delegates to the General Congress at Philadelphia, with power to act, and any act done by them to be obligatory upon every inhabitant of the province, 'not an alien to his country's good and an apostate to the liberties of America.' Then the deputies, having affixed their names to their Resolutions, dispersed and went home.

Contemporary opinion verbatim is worth more than any summary, most certainly if the opinion is that of a man of brains. Samuel Johnston, a deputy from Chowan to the late Congress, wrote a letter Sept. 23rd to his friend Alexander Elmsly of London. Mr. Elmsly had spent some years in North Carolina as a lawyer at Halifax, and was now in active business in London. He was besides at the time political agent of the North Carolina General Assembly, a man of clear head but apt to take an altogether matter of fact view of the difficult business pending between the Colonies and Great Britain. Mr. Johnston said to him—

"You will not wonder at my being more warmly affected with affairs of America than you seem to be. I came over so early and and so riveted to it by my connections that I cannot help feeling for it as if it were my *natale solum*. The Ministry from the time of passing the declaratory act, on the repeal of the Stamp Act, seem to have used every opportunity of teizing and fretting the people here as if on purpose to draw them into rebellion or some violent opposition to government, at a time when the inhabitants of Boston were every man quietly employed about their own private affairs. The wise members of your House of Commons, on the authority of ministerial scribbles, declare they are in a state of open rebellion. On the strength of this they pass a set of laws which from their severity and injustice cannot be carried into execution but by a military force, which they have very wisely provided, being conscious that no people who had once tasted the sweets of freedom would ever submit to them except in the last extremity. They have now brought things to a crisis, and God only knows where it

will end. It is useless in disputes between different countries to talk about the right which one has to give laws to the other, as that generally attends the power, tho' where that power is wantonly or cruelly exercised, there are instances where the weaker state has resisted with success. For when once the sword is drawn all nice distinctions fall to the ground, the difference between internal and external taxation will be little attended to, and it will hereafter be considered of no consequence whether the act be to regulate trade or raise a fund to support a majority in the House of Commons. By this desperate push the Ministry will either confirm their power of making laws to bind the Colonies in all cases whatsoever, or give up the right of making laws to bind them in any case, a right which they might have exercised in most cases to the mutual advantage of Great Britain and the Colonies for ages to come, had they exercised it with discretion."

It was also Governor's Martin's opinion that the time was critical indeed. The Governor was no lawyer, but a soldier by trade; and in these preliminary days, although minded of justice and constitutionality within limits, was always fretting that matters could not be sharply brought round by the military arm. Immediately after the Newberne Congress of August the Governor had gone to New York to consult a physician and observe the state of the country to the northward. In a private letter from New York, Nov. 4, to the Earl of Dartmouth, Governor Martin said 'The crisis, my Lord, is come in my humble opinion, and perhaps in the best time when Britain must assert and establish her just rights and authority in the colonies, whatever they may be, or give up forever all pretensions to dominion over them.' Governor Martin came home by land in late December and January, but could not well send Lord Dartmouth a report of what he had seen on his journey down until March 10, 1775. The Governor had seen that the ferment in the colonies was unmistakably active. He still had hopes that General Gage and other military men might by promptitude impose the will of government upon America. In Virginia he had observed that the committees appointed under the prescriptions of Congress were proceeding 'in some places to the most arbitrary and un-

warranted exertions of power.' On the other hand, he said, he had the satisfaction to find the people in the western parts of North Carolina were withstanding 'for the most part steadily all the efforts of the factions to seduce them from their duty.' Among those who were thus withstanding, the Governor (it is to be supposed), was not counting certain inhabitants of Orange and Granville, Richard Henderson & Company, to wit, whom he had on February 10th—'in his Majesty's name and also in behalf of the Earl Granville'—strictly forbidden to prosecute the planting of the colony of Transylvania, 'on pain of his Majesty's highest displeasure and of suffering the most rigorous penalties of the law.' Those of the Centre and West held by the Governor to be yet steadfast in duty and loyalty were certain inhabitants of Dobbs, Guilford, Surry, Rowan, and Anson who had during February sent down to Newberne most emphatically Tory addresses, signing their names to the number of five or six hundred. During the spring of 1775 Governor Martin had been careful to distribute packets of Tory pamphlets in the Centre and West. With regard to the loyal response he got from those quarters he remarked in his dispatch to the Earl of Dartmouth, 'I am hopeful the originality and imperfection of the stile will not extenuate the merit of the sentiments.' To the last the Governor was as cheerful as he could be in the hope that he might accomplish something solid, with the backing of his Tory correspondents of the West and Centre strengthened by the Highlanders of the Cape Fear.

Strange spectacles enough were preparing and were staged in and for the province of North Carolina during the spring of the year 1775. Over against Governor Martin there was, for instance, Colonel Harvey of Perquimans, Speaker and Moderator, Author and Shaper. From his house in Perquimans on Albemarle, John Harvey as moderator issued this advertisement February 11th—'The respective Counties and Towns in this Colony are requested to elect Delegates to represent them in Convention, who are

desired to meet at the Town of Newbern on Monday the 3rd day of April next.' Apparently it was Colonel Harvey who staged the intricate business of the first week in April. The Governor had prorogued the Assembly to March 27. Colonel Harvey's advertisement reaching him, on March 1st the Governor by proclamation put his veto, under the prerogative, upon the Colonel's Convention. Delegates to the Assembly began coming in to Newberne the last week in March, but there was not a quorum on the 27th. The Governor prorogued the Assembly from day to day. Meantime it became very obvious that the Assemblymen arriving at Newberne had almost without exception been chosen by the counties as deputies to Colonel Harvey's Convention. Here was without question a problem in practical politics. The Governor knew what he faced. It pleased him, April 2nd, sitting in Council, to desire the advice of Council whether he could properly take any further measures (beyond further protest and injunction) to prevent these Assemblymen at Newberne meeting at Newberne in a Convention of their own. This was the polite prologue in Council. And it pleased the Governor, reporting to the Earl of Dartmouth a few days later, to say that he had hoped the Assembly on what he had to say to it would secede from this Convention; 'although I well knew,' added the Governor, 'that many of the members had been sent as deputies to it.' Governor Martin was playing for position, as we say, and not unskillfully, on the principle that any man may harangue in the park, but if action follows then let whatever law there is in the premises take steps. As the premises were, Colonel Harvey had the position. This Convention assembled for business on the 3rd. If the Convention could assemble with an ample working quorum, the General Assembly could unquestionably meet. On the 4th it met, and with all the elaborate formalities of custom. So April 4th, 5th, 6th, and 7th. representatives of the counties and towns of the province were in assembly at Newberne 'transforming themselves,' as

the Governor remarked 'from time to time into a Convention or an Assembly.' Speaker Harvey was Moderator Harvey. The Chair was doubly dignified. The House was energized to new functioning. It is interesting to note that the last Assembly (under the Crown) of North Carolina, sitting by writ under the prerogative, was also a Convention of the people, chosen by the people of their own motion. Dutifully the Governor drew the distinction, recognizing the one body, not recognizing the other. He argued in his address as to the impropriety, the unwisdom of popular assemblies, and of this convention in especial presuming to sit 'at this very time and place in the face of the Legislature; whereas you Gentlemen of the Assembly, are the only legal and proper channel.' The Governor enlarged upon these fine distinctions and adverted a little to the Assembly's constituency—he was gratified, he said, at the numerous loyal addresses he had received from certain counties, and spoke of the base arts that must have been employed to stir up the people to frame disloyal utterances. The Assembly in their draft of answer to the Governor's speech declared: 'It is the undoubted right of his Majesty's subjects to petition for a redress of grievances either in a separate or collective capacity, and in order to agree upon such petition or remonstrance they have a right to collect themselves together. The Assembly therefore can never deem the meeting of the present Convention at Newberne an illegal meeting nor conceive it derogatory to the power and authority of the Assembly, and though the Assembly are the legal representatives and perhaps adequate to every purpose of the people, yet the frequent prorogations gave the people no reason to expect that the Assembly would be permitted to meet 'til it was too late to send delegates to the Continental Congress at Philadelphia, a measure which America in general and this province in particular thought absolutely necessary.' The Governor was assured that His Majesty had no subjects more loyal than those of North Carolina, nor none more ready at the expense of their lives



and fortunes to protect and support His Majesty's person, crown, and dignity. The Assembly spoke of their gratification in the matter of loyal addresses received by the Governor, 'that in so numerous a colony, so few could be found weak enough to be seduced from their duty and prevailed on by base arts and artful measures so contrary to the sense of all America, and so destructive of those just rights and privileges it was their duty to support.' This draft of answer was slightly modified in committee, but the tenor of the answer was the same: i. e.,—we are good subjects, but if we are to continue so, the King must change the ways of Parliament, so to speak. Assembly expressly endorsed every act of Convention, and approved every act of Convention's three delegates now reappointed to the General Congress.

Very solemn fooling such procedure appeared to Alexander Elmsly in London. April 7th he was writing to Sam Johnston, 'your politics are past my expectations and out of my reach.' A little earlier he had set down as his opinion, 'it is your numbers and importance that gives you consequence and every other argument in your favour teems with absurdity.'

Governor Martin, of course, was at this time standing on difficult ground. The General Assembly was occupying difficult ground and also the Convention. Was the King to permit his subjects in North America to interpret to him and the Parliament the essential nature of the British Constitution? Who was to yield in the large or small business of interpretation? And was interpretation comfortably at one throughout the province of North Carolina itself? Andrew Millar, merchant of Halifax, said of the Resolves of the first Newberne Congress:

"I am told they were drawn by Mr. Hooper, for whom there was such injustice used by the meeting to get him appointed a delegate [to Philadelphia], that I hope the western countries will pay no share of the delegate's expenses, as they had no share in the nomination, having only one or two members for a county and the

southern and lower counties had some of them six votes. It is not in character to dispute the power of Parliament, when we say we are not represented, and yet quickly submit to so unequal a representation in a body formed by ourselves."

Very true. Mecklenburg, for example, had but one delegate to represent that vast county in the first Newberne Congress (Benjamin Patton, a signer of the Mecklenburg Declaration), whereas Chowan had five delegates, and Onslow three. Mr. Millar, a Tory of parts, was arguing for the insidious effect, but there was ground of dispute, plenty of it, and there had long been. The Northern Counties, precincts of Old Albemarle, had the precedence and their representation in the General Assembly had been disproportionately large for many years. The Southern Counties had protested, governors had protested, but nothing had been done. As the more western counties were set off they fell in line with a restricted representation. North Carolina came up to the beginnings of the Revolution on that footing. Not until the third Provincial Congress, held at Hillsborough, was there attempt made to have the counties represented on an equality. We know that there was a very considerable Tory party in the West. At the height of the war, locally, the Tories raided Hillsborough and carried off the people's Governor. It is not unlikely opinion was a good deal confused in the West during the spring of 1775. At any rate Anson and Mecklenburg were represented in the first Newberne Congress, and were not represented in the second. Governor Martin had not long before advised government that the ill consequences of the mode of representation in North Carolina had become very apparent to the inhabitants of the Western country, 'who must be ever governed by the conjunction of the Northern and Southern interests, although that district is often times their extent and four times more populous.' When Messrs. Hooper, Hewes, and Caswell were chosen as delegates to the Continental Congress, the idea seems to have been that Mr. Hewes stood for the Northern counties, Mr.

Hooper for the Southern, and Mr. Caswell for the West. Mr. Caswell lived in Johnston, a sort of compromise county, both North and South, and then he had once been clerk of Orange Court. At least Governor Martin, considering all these things, could flatter himself April 20, 1775, in the avowed belief that he could count upon the West. The West had been slimly represented in the late Convention. Old Regulators, (whom Tryon had faced, chastened, and dealt fairly with) had just now assured his successor of their readiness to support him in maintaining the constitution and laws upon all occasions, 'and I have no doubt that I might command their best services at a word on any emergency. This affords me the highest satisfaction, for as these counties are by far the most populous part of the Province, I consider I have the means in my own hands to maintain the sovereignty of this country to my royal master in all events.' It is scarcely possible that Governor Martin can have been wholly a deluded man. At that juncture of half lights generally, Governor Martin had reason to think that there were many inhabitants of the Western Counties who would not break with the King. But there were men in the West who were willing to break with the King, who wanted new forms of liberty and felt that the time was near come for no uncertain action. At the moment almost, Alexander Elmsly was writing from London, 'They say your seaports are to be turned into garrison towns, and the people of the country left at liberty to form any establishment they think proper.' If that was to be the strategy, then Mecklenburg County, running west to the Cherokee Mountains and beyond at a push, once its people were consentaneous might set up independence with no great ado. For what was the Colony of Transylvania about already in the month of May? 'Is Dick Henderson out of his head?', somebody asked Mr. Millar of Halifax. Were not Richard Henderson & Company, of Granville County and that region, setting up a new state in the month of May, Transylvania,

in flat contravention of Governor Martin; 'without giving offence,' as those Transylvanians blandly asserted, 'without giving offence to Great Britain or any of the American Colonies, without disturbing the repose of any society or community under Heaven.'

It is plain enough now, that that spring and that summer of 1775 was the balancing time. Joseph Hewes, merchant of Edenton, delegate to the General Congress, arrived at Philadelphia May 9th. On the 11th he sent a letter to Samuel Johnston who, upon the death of Colonel Harvey in May, became the head of the Whig party in North Carolina. Mr. Hewes in his letter mentioned gossip and outstanding fact, and drew an argument from what he saw.

"Galloway," he said, "has turned apostate. A few days ago a box was left at his lodgings in this city directed for Jos. Galloway, Esqr.; he opened it before several gentlemen then present and was much surprised to find it contained a halter with a note in these words, 'All the satisfaction you can now give your injured country is to make a proper use of this and rid the world of a damned scoundrel.' He is gone off nobody can tell where, tho' it is thought to New York. All kinds of business is at a stand here, nothing is heard but the scound of drum and fife, all ranks and degrees of men are in arms learning the manual exercise, evolutions, and management of artillery. . . . All the Quakers except a few of the old ones have taken up arms. . . . The battle near Boston and the Act of Parliament for restraining the trade of all the colonies except New York and North Carolina has wrought the conversion of New York; I wish to God it may have the same effect on our province. I tremble for N. Carolina. Every county ought to have at least one company formed and exercised. Pray encourage it, speak to the people, write to them, urge strongly the necessity for it. I had rather perish ten thousand times than they should give up the matter now in the time of trial."

Governor Martin had reported to Lord Dartmouth, during the Newberne Congress of April, that a proposal made in Convention on the 6th to organize the militia had been overruled. Government had some show of reason to think that North Carolina and New York might be held as very

useful salients among the Colonies. It was Governor Tryon's idea, and he was familiar with both regions, that manipulation there and here might be practicable; he was at the time in London, and in the business of North Carolina was seconded by Mr. Elmsly, political agent, who was willing to take a certain liberty with his principals and give them a chance to compound. There is no saying what might have happened unless the tension in Massachusetts Bay had been of a sort to admit of no compromise. The muskets of Lexington were heard a long way off. Those men of the western counties in North Carolina, rather far from the depots of overseas trade, living among Tories of all complexions—Thomas Polk and his friends of the West, who had been by the negative record neutral until now, Tom Polk and his friends of Mecklenburg, we say, declared for independence. That was a loosely defined territory. People were not sure where they belonged, whether to South or to North Carolina. Such a territorial status made for independence, honest and dishonest. Men of brains like Polk, the Alexanders, and their friends were saying, 'We might as well set up our own government—we are forced to it by all the circumstances—we must have our law courts and we must show these Tories that we are not to be trifled with.' (Pardon us now, a century after the clever and silly argument began, if we ape Thucydides a little)—Then before the middle of May<sup>2</sup> Thomas Polk and his friends heard the shooting and the hard commands at Lexington. They met together in convention at their Court House and spoke their thoughts, without any

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<sup>2</sup> It is not in reason to suppose that news of the battle at Lexington reached Mecklenburg County later than the middle of May. For instance Edmund Fanning wrote a letter to Governor Tryon, dated Hillsborough, April 23, 1768. This letter was received at Wilmington the night of April 26. Fanning said he expected to receive an answer by three o'clock in the afternoon on Sunday the first of May next. The express with the Lexington news was at Newberne on May 6th. (See *North Carolina Records*, VII. 713, 715, 719; IX, 1236-1238).

polite preambles. Apparently they had had no Committee of Safety until then: they had been too careless, on whatever grounds, and now they organized a Committee of Safety and got down to the business of running their own affairs. What they did became at once so commonplace, as governmental routine came to be in the West, that nothing was easier from 1819 on than to question their outright common sense, cornered as they were around the middle of May '75. Those Mecklenburg men were speaking out, not only to Governor Martin and his principals, but to the managers of the Whig party. At any rate, in the third Provincial Congress, at Hillsborough in August, there was a flat equality of representation among the counties. Mecklenburg had six delegates, all new men in these new Provincial affairs, and four of them had signed the Declaration in May. Governor Martin had been immensely impressed. His line of communications was more open towards the sea, and he retired to Fort Johnston, at the mouth of the Cape Fear, early in June. Sending a dispatch thence to the Earl of Dartmouth on the 30th he said, 'the Resolves of the Committee of Mecklenburg, which your Lordship will find in the enclosed newspaper, surpass all the horrid and treasonable publications that the inflammatory spirits of this continent have yet produced.' In July the Governor thought it well to look further to his line of communications, and withdrew to H. M. Sloop *Cruizer* in River Cape Fear. There on the 18th he held a meeting of his Council, when Mr. President Hasell gave it as his opinion that 'His Excellency should take every lawful measure in his power to suppress the unnatural rebellion now fomenting in Mecklenburg and other parts of the province to overturn the Constitution and his just prerogative.'

Mecklenburg County, by getting down to the essential business of the time, had unquestionably made itself rather conspicuous. But neither the country nor North Carolina was yet ready to go all lengths. July 6th the Congress at Philadelphia addressed the Inhabitants of Great Britain in a very

conciliatory manner. July 8th the Congress at Philadelphia petitioned the throne in a most conciliatory manner. Patrick Henry and his fellows signed their names to such pacific paragraphs as, "For such arrangements as your Majesty's wisdom can form, for collecting the united sense of your American people, we are convinced your Majesty would receive such satisfactory proofs of the disposition of the colonists toward their sovereign and parent state that the wished for opportunity would soon be restored to them of evincing the sincerity of their professions by every testimony of devotion becoming the most dutiful subjects and the most affectionate colonists." July 10th four ministers of Philadelphia addressed the Presbyterians of North Carolina (Mecklenburg was for Presbytery)—"Believe no man that dares to say we desire to be independent of our mother country." Mr. Hooper and Mr. Hewes had affixed their names just below that of Mr. Jefferson to the Petition to the Throne of July 8th, yet on the same day Mr. Hewes wrote to Samuel Johnston (head of the North Carolina Whigs, but very much a conservative) "I consider myself now over head and ears in what the Ministry call Rebellion." Were not these mixed affairs? Who can know clearly what he is doing when he breaks with his old government? And so the Congress of Hillsborough, (August and September, 1775), that armed the province, was willing to endorse an address to the Inhabitants of the British Empire, Mr. Hooper's work, in which Mr. Hooper said, "We have been told that independence is our object: that we seek to shake off all connection with the parent state. Cruel suggestion! Do not all our professions, all our actions uniformly contradict this?" Mr. Hooper went even beyond the General Congress and said it was the desire of North Carolina to be restored to its condition of the early part of the year 1763. Those delegates from Mecklenburg who had signed the Mecklenburg Declaration, (Messrs. Polk, Alexander, Avery, and Phifer), signed Mr. Hooper's address, just as Mr. Henry and Mr. Jefferson

had signed John Dickinson's address. The Mecklenburg delegates knew at least that they represented a vast county that was, and had advertised itself as being, a self-governing territory. And exactly when were drawn up the remarkable Instructions for the Delegates of Mecklenburg County (quite as remarkable as the Declaration) beginning "you are instructed to vote that the late province of North Carolina is and of right ought to be a free and independent state invested with all the power of legislation capable of making laws to regulate all its internal policy subject only in its external connections and foreign commerce to a negative of a continental Senate—you are instructed to vote for the erection of a civil government under the authority of the people for the future security of all the rights, privileges and prerogatives of the state and the private natural and unalienable rights of the constituting members thereof either as men or Christians. If this should not be confirmed in Congress or Convention—protest."

There were declarations being made within the province of North Carolina and up and down the coastal plain that amazed Governor Martin. Patiently keeping open his line of communications, on board the *Cruizer* sloop of war, he was afforded opportunity to reflect at large upon politics, wisdom, war, and other things. In October he wrote to the Earl of Dartmouth, who was also nearing his end as an American official.

"I have now and then, my Lord, the heart breaking pain to hear the murmurings and lamentations of a loyal subject who steals down here to unbosom his griefs, to complain of the want of support from government, and to enquire when it may be expected. And while I labour to console and encourage him under his sufferings, I am doubly sensible of my own impotent and disgraceful condition and circumstances, my feelings of which and for the dignity of his Majesty's government it is impossible for me to express or describe."

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<sup>1</sup>North Carolina Records, X. 239.



The Governor (in partibus) gave his chief a very interesting and very discerning account of the doings in Congress, both at Philadelphia and at Hillsborough. He was amazed and puzzled at the political force and skill of these men—'Heaven knows what are the views of them at large! It is nevertheless far from me and my intentions to judge them. I for my part deplore most sincerely the unnatural subsisting contest, and most devoutly pray for a just, constitutional, honorable and speedy termination of it.' And then Josiah Martin wrote off the wisest words he ever used—

'The restraints of trade that have been highly expedient, proper, and necessary, will doubtless by slow operation produce effect in time, if foreign states and foreign wars do not interpose, but they will never cure the instant and fatal growing distemper of rebellion or alter the principle of it, nor do they promise to be the means of conciliating the affections of this people. And whatever measures the wisdom of government shall employ for reducing the colony to present obedience, the more pleasing task of reconciling them to it lastingly, as I humbly and perhaps ignorantly conceive, will be accomplished only by some great act of State, deciding all claims with precision and settling a permanent and just system of political relation and dependance between the parent state and her colonies, that will be an immense and glorious work but pregnant with difficulties, many of which it is probable my short sight, [nor as we know, the sight of William Legge, Earl of Dartmouth], does not comprehend.'

What a commentary—is not that a commentary?—upon wisdom and politics!

## WHY DO WE LAUGH AT FALSTAFF?

BY THOMAS VERNOR SMITH

If you will, immediately after enjoying a hearty laugh, seriously propose to yourself the question, now precisely why did I laugh? you will find yourself confronted by a question which in its subtlety has interested all and baffled many of the world's greatest philosophers. Laughter itself is, of course, easy, indeed almost gratuitous; but its explanation is from every viewpoint difficult. I have a friend, for instance, who has spent several months in an effort, not this time to explain the comic, but only to classify humor upon some logical basis. But even in this superficial task he tells me that he has utterly failed. You will see, therefore, that the question of the comic both in literature and in life is worthy of the best efforts of the keenest minds. For the purpose of the present inquiry it makes no difference whether the question be put, Why is Falstaff funny? or Why do we laugh at Falstaff? To ask the question in either form is in reality to inquire what is the comic in human experience. You will see, then, that I propose not so much to set forth an interpretation of the character Falstaff as to enunciate a theory of the comic, or rather to amplify and apply a theory of the comic already enunciated by the French philosopher, Henri Bergson. It happens that Falstaff is the best personality in English literature upon which to hang the object lesson; first, because he is the funniest character in our literature, and, secondly, because he, through his association with Shakespeare's Prince Henry, is already used to being made a tool.

### I

In good earnest, then, I submit the question,—Why is Falstaff funny? Falstaff is funny, first, because he is human.

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